

# Notice of Allowability

Application No.

08/913,555

Examiner

Phuong Huynh

Applicant(s)

KAYAGAKI ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/27/04.
2. ☒ The allowed claim(s) is/are 51,53-62,73-75 and 154.
3. ☒ The drawings filed on 19 September 1997 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>10/15/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                    |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT


1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Judith L. Toffenetii on October 13, 2004 and November 3, 2004.
3. **In the claims:**
  1. Claim 55, lines 2-3, "with respect to the physiological reaction between the Fas ligand and Fas," has been deleted.
  2. Claim 55, line 6, -- and Fas -- has been inserted immediately after "human Fas ligand"
  3. Claim 56, line 2, "which" has been replaced with -- wherein the antibody or active fragment --
  4. Claim 57, line 2, "which" has been replaced with -- wherein the antibody or active fragment --
  5. Claim 59, line 2, -- , -- has been inserted between "carrier another"
  6. Claim 60, line 2, "purified" has been deleted.
  7. Claim 62, line 2, "which" has been replaced with -- wherein the antibody or active fragment --
  8. Claim 73, line 4, -- human or mouse Fas ligand -- has been inserted immediately before "Fas ligand".
  9. Claim 73, lines 5-16, "preparing antibody-producing cells....to a mouse." has been deleted.
  10. Claim 73, line 5, -- and selecting the hybridoma that produced the monoclonal antibody according to claim 51. -- has been inserted immediately after "(2)"
  11. Claim 154, line 3, -- human or mouse -- has been inserted immediately before "Fas ligand"
  12. Claim 154, line 10, -- human or mouse Fas ligand -- has been inserted immediately after "desired"

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13. Claim 154, line 12, "conduction a cloning again to" has been deleted.
  14. Claim 154, line 12, "establish" has been replaced with -- establishing --
  15. Claim 154, line 13, -- the Fas ligand -- has been inserted immediately after "against"
  16. Claim 154, line 13, "a" has been replaced with -- the --
  17. Claim 154, line 13, -- said -- has been inserted immediately before "antigen"
  18. Claim 154, line 13, "preparing" has been replaced with -- purifying --
  19. Claim 154, line 15, "hybrid" has been replaced with -- hybridoma --
4. The rejection under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,068,841 is hereby withdrawn in view the terminal disclaimer filed 10/20/04.
  5. Claims 51, 53-62, 73-75 and 154 are pending and are allowed.
  6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh "NEON" whose telephone number is (571) 272-0846. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The IFW official Fax number is (703) 872-9306.
  7. Any information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuong N. Huynh, Ph.D.

November 3, 2004

  
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